

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DORIAN RAGLAND,

Defendant.

No. CR06-0001-LRR

ORDER

This matter appears before the court on the defendant's letter, which the clerk's office construed as a motion for copies of the government's sealed exhibits (docket no. 196). The defendant filed such motion on May 27, 2010. In his motion, the defendant makes clear that he is pursuing relief under 28 U.S.C. § 2255 and that he would like copies of "the government's exhibits that pertain to [his case, that is,] exhibits 1A, 1B, 2A, 2B, 3A, 3B, 3C, 3D, 3E, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 4, 5, 6, and 7." He also states that he is willing to pay the fee to obtain copies. The government did not file a resistance, and the time by which to do so has passed.


Presumably, the defendant is referencing the exhibits that the government introduced at his first trial. After the court granted the defense's oral motion for mistrial on September 5, 2006, the clerk's office returned the exhibits that the government introduced (docket no. 88). Thus, the court does not have the exhibits that were introduced at the defendant's first trial, and it does not believe that it is appropriate to have the government produce those exhibits. Further, the exhibit and witness list (docket no. 130) for the trial that occurred from October 23, 2006 to October 24, 2006 indicates that the court only admitted the following exhibits that were offered by the government: 1A (photograph), 1B (photograph), 2 (diagram of apartment), 3A (photograph), 3B

(photograph), 3C (photograph), 3D (photograph), 3E (photograph), 3F (photograph), 3G (photograph), 4 (autopsy report), 5 (medical examiner's report), 6B (photograph) and 7 (chart of effect's of drugs on the body). The government did not introduce and the court did not admit exhibit 2A, exhibit 2B or exhibits 3H-3T. Given the record, the court concludes that the defendant is entitled to receive the following sealed exhibits: 3A (photograph), 3B (photograph), 3C (photograph), 3D (photograph), 3E (photograph), 3F (photograph), 3G (photograph), 4 (autopsy report), 5 (medical examiner's report), 6B (photograph) and 7 (chart of effect's of drugs on the body). With respect to sealed exhibit 1A and sealed exhibit 1B, the defendant does not offer good cause for why he needs the photographs that were taken of the deceased victim, and the court does not believe that it is appropriate to disseminate those photographs.

Based on the foregoing, the defendant's motion for copies of the government's sealed exhibits (docket no. 196) is granted in part and denied in part. The clerk's office is directed to inform the defendant how much it will cost to make copies of docket nos. 130-1 (7 pages), 130-2 (13 pages), 130-4 (2 pages) and 130-5 (2 pages). Once payment is received from the defendant, the clerk's office is directed to send him copies of docket nos. 130-1 (7 pages), 130-2 (13 pages), 130-4 (2 pages) and 130-5 (2 pages).

IT IS SO ORDERED.

DATED this 14th day of June, 2010.



JON STUART SCOLES
Magistrate Judge
UNITED STATES DISTRICT COURT